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T-903 P.001/016 F-422

BLAKELY SOKOLOFF TAYLOR ZAFMAN LLPA LIMITED LIABILITY PARTNERSHIP
INCLUDING LAW CORPORATIONSTELEPHONE (408) 720-8300
FACSIMILE (408) 720-8383B~~S~~T&Z MAIL@B~~S~~T&Z.COM
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INTELLECTUAL PROPERTY LAW

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FACSIMILE TRANSMITTAL SHEET

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FEB 06 2006

Deliver to: Exmr. Kim, Ellen E. - UNITED STATES PATENT & TRADEMARK OFFICE

Fax No.: 571-273-8300

From: Heather M. Molleur, Reg. No. 50,432

Date: February 6, 2006

Operator: Vanessa Sanchez

Application No.: 10/721,448

Art Group: 2874

Filing Date: November 24, 2003

Conf. No:

Entitled: METHOD OF SMOOTHING WAVEGUIDE STRUCTURES

Attorney Docket No.: 042390.P16679

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment/Response (<u>2</u> pgs)	<input type="checkbox"/> Declaration & P of A (<u> </u> pgs)	<input type="checkbox"/> Reply Brief (<u> </u> pgs)
<input type="checkbox"/> Appeal Brief (<u> </u> pgs) (in triplicate)	<input type="checkbox"/> Drawings: # of sheets w/ <u> </u> figs.	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Utility Application (<u> </u> pgs)	<input type="checkbox"/> Month Petition re Ext. of Time	<input type="checkbox"/> Rsp. to Notice of Missing Parts (<u> </u> pgs)
<input type="checkbox"/> 1.53(b) Cont. Application (<u> </u> pgs)	<input type="checkbox"/> IDS & PTO 1449 (<u> </u> pgs)	<input checked="" type="checkbox"/> Transmittal Letter (1 pgs) (in duplicate)
<input type="checkbox"/> 1.53(b) Divisional Application (<u> </u> pgs)	<input type="checkbox"/> Issue Fee Transmittal (<u> </u> pgs)	<input checked="" type="checkbox"/> Fee Transmittal (<u> </u> 3 pgs) (in duplicate)
<input type="checkbox"/> 1.53(b) CIP Application (<u> </u> pgs)	<input type="checkbox"/> Notice of Appeal (<u> </u> pgs)	<input type="checkbox"/> Deposit Account Authorization
<input type="checkbox"/> 1.53(d) RCA Transmittal (<u> </u> pgs)	<input type="checkbox"/> Petition re <u> </u> (<u> </u> pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> PCT Application (<u> </u> pgs)	<input type="checkbox"/> Power of Attorney (<u> </u> pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Provisional Application (<u> </u> pgs)	<input type="checkbox"/> Declaration by Inventor(s) (<u> </u> pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Assignment & Cover Sheet (<u> </u> pgs)	<input type="checkbox"/> Supplemental Declaration (<u> </u> pgs)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Certificate of Transmission by Fax	<input type="checkbox"/> Preliminary Amendment (<u> </u> pgs)	<input type="checkbox"/> Other: _____

CERTIFICATE OF TRANSMISSION

I, Vanessa Sanchez, hereby certify that this correspondence is/being facsimile transmitted to the U.S. Patent and Trademark Office on: 2/6/106 by: Vanessa Sanchez
Vanessa Sanchez

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CONFIDENTIALITY NOTE

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16 of 24

<u>AMENDMENT TRANSMITTAL</u>		<u>PATENT</u>
Application No.: <u>10/721,448</u> Filing Date: <u>November 24, 2003</u> First Named Inventor <u>Justin K. Brask</u> Examiner's Name: <u>Kim, Ellen E.</u> Art Unit: <u>2874</u> Attorney Docket No.: <u>042390.P16679</u>		
<p>An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.</p> <p><input checked="" type="checkbox"/> Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.</p> <p><input checked="" type="checkbox"/> Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.</p> <p><input type="checkbox"/> Applicant(s) claim small entity status (37 CFR 1.27).</p>		
ATTACHMENTS <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary Amendment <input checked="" type="checkbox"/> Amendment/Response with respect to Office Action (Notice of Non-Compliant Amendment) <input type="checkbox"/> Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal) <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> RCE (Request for Continued Examination) <input type="checkbox"/> Supplemental Declaration <input type="checkbox"/> Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record) <input type="checkbox"/> Information Disclosure Statement (IDS) <input type="checkbox"/> Copies of IDS citations <input type="checkbox"/> Petition for Extension of Time <input checked="" type="checkbox"/> Fee Transmittal Document (that includes a fee calculation based on the type and number of claims) <input type="checkbox"/> Cross-Reference to Related Application(s) <input type="checkbox"/> Certified Copy of Priority Document <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____ <input type="checkbox"/> Check(s) <input type="checkbox"/> Postcard (Return Receipt) 		
SUBMITTED BY: <p>BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP</p> <p>TYPED OR PRINTED NAME: <u>Heather M. Molleur</u></p> <p>SIGNATURE: <u>Heather Molleur</u></p> <p>REG. NO.: <u>50,432</u></p> <p>DATE: <u>2/6/06</u></p> <p>ADDRESS: <u>12400 Wilshire Boulevard, Seventh Floor</u> <u>Los Angeles, California 90025</u></p> <p>TELEPHONE NO.: <u>(408) 720-8300</u></p>		
<u>CERTIFICATE OF TRANSMITTAL VIA FACSIMILE</u>		
<p>I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on: <u>2/6/06</u></p> <p>on _____ Date of Transmittal</p> <p><u>Vanessa Sanchez</u> Name of Person Transmitting Correspondence <u>2/6/06</u> Date</p> <p><u>Vanessa Sanchez</u> Signature</p>		
Express Mail Label No. (if applicable): _____		

(10/14/03)

Send to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known:

Application No. 10/721,448
 Filing Date November 24, 2003
 First Named Inventor Justin K. Brask
 Examiner Name Kim, Ellen E.
 Art Unit 2874
 Attorney Docket No. 042390.P16679

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify)

Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name:

 The Director is Authorized to do the following with respect to the above-identified Deposit Account: Charge fee(s) indicated below. Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application. Charge fee(s) indicated below except for the filing fee Credit any overpayments. Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.Warning: Information on this form may become public. Credit card information should not be included on this form.
Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fees Paid (\$)
1011	300	2011	150	Utility application filing fee	
1111	500	2111	250	Utility search fee	1,000/500
1311	200	2311	100	Utility examination fee	
1012	200	2012	100	Design application filing fee	
1112	100	2112	50	Design search fee	430/215
1312	130	2312	65	Design examination fee	
1013	200	2013	100	Plant filing fee	
1113	300	2113	150	Plant search fee	660/330
1313	160	2313	80	Plant examination fee	
1004	300	2004	150	Reissue filing fee	
1114	500	2114	250	Reissue search fee	1,400/700
1314	600	2314	300	Reissue examination fee	
1005	200	2005	100	Provisional application filing fee	
SUBTOTAL (1)					<u>\$ 0.00</u>

2. EXCESS CLAIM FEES

				<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims	— 20 or HP =			X \$50.00	=	
HP = highest number of total claims paid for, if greater than 20				X \$200.00	=	
Independent Claims	— 3 or HP =				=	
HP = highest number of independent claims paid for, if greater than 3						
Multiple Dependent Claims						
<u>Large Entity</u>	<u>Small Entity</u>					
Fee Code (\$)	Fee Code (\$)	Fee Description				
1202	50	2202	25	Each claim over 20		
1201	200	2201	100	Each independent claim over 3		
1203	360	2203	180	Multiple dependent claims, if not paid		
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent		
1205	50	2205	25	Reissue: each independent claim more than in the original patent		
				SUBTOTAL (2) \$		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
— 100 =	/ 50 =	(round up to whole number)	X \$250.00	

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description:</u>
Fee Code (\$)	Fee Code (\$)	Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
1081	250	2081 125 Utility
1082	250	2082 125 Design
1083	250	2083 125 Plant
1084	250	2084 125 Reissue

SUBTOTAL (3) \$

FEE CALCULATION (continued)**4. OTHER FEE(S)**Fees Paid (\$)

Non-English Specification, \$130 fee (no small entity discount)

Large Entity Fee	Fee Code	Small Entity Fee	Fee Code	Fee Description	<u>Fees Paid (\$)</u>
				Surcharge - late filing fee or oath	_____
1051	130	2051	65	Surcharge - late provisional filing fee or cover sheet	_____
1052	50	2052	25	Non-English specification	_____
1053	130	1053	130	For filing a request for ex parte reexamination	_____
1812	2,520	1812	2,520	Request for inter partes reexamination	_____
1813	8,800	1813	8,800	Requesting publication of SIR prior to Examiner action	_____
1804	920*	1804	920*	Requesting publication of SIR after Examiner action	_____
1805	1,840*	1805	1,840*	Extension for reply within first month	_____
1251	120	2251	60	Extension for reply within second month	_____
1252	450	2252	225	Extension for reply within third month	_____
1253	1,020	2253	510	Extension for reply within fourth month	_____
1254	1,590	2254	795	Extension for reply within fifth month	_____
1255	2,160	2255	1,080	Notice of Appeal	_____
1401	500	2401	250	Filing a brief in support of an appeal	_____
1402	500	2402	250	Request for oral hearing	_____
1403	1,000	2403	500	Petition to institute a public use proceeding	_____
1451	1,510	1451	1,510	Petition to revive – unavoidable	_____
1452	500	2452	250	Petition to revive - unintentional	_____
1453	1,500	2453	750	Utility issue fee (or reissue)	_____
1501	1,400	2501	700	Design issue fee	_____
1502	800	2502	400	Plant issue fee	_____
1503	1100	2503	550	Petitions to the Commissioner (CFR 1.17(f) Group I)	_____
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(g) Group II)	_____
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(h) Group III)	_____
1464	130	1464	130	Processing fee under 37 CFR 1.17(q)	_____
1807	50	1807	50	Submission of Information Disclosure Stmt	_____
1806	180	1806	180	Recording each patent assignment per	_____
8021	40	8021	40	property (times number of properties)	_____
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
1814	130	2814	65	Statutory Disclaimer	_____
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
1801	790	2801	395	Request for Continued Examination (RCE)	_____
1802	900	1802	900	Request for expedited examination of a design	_____
				application	_____
1504	300	1504	300	Publication fee for early, voluntary, or normal pub-	_____
1505	300	1505	300	Publication fee for republication	_____
1803	130	1803	130	Request for voluntary publication or republication	_____
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	_____
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	_____

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (4) \$ _____

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Heather M. Molleur

Signature: Heather MolleurDate: 2/6/06Reg. Number: 50,432Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEET TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known:

Application No. 10/721,448
 Filing Date November 24, 2003
 First Named Inventor Justin K. Brask
 Examiner Name Kim, Ellen E.
 Art Unit 2874
 Attorney Docket No. 042390.P16679

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify)

 Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: _____

 The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

 Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application. Charge fee(s) indicated below except for the filing fee Credit any overpayments. Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.Warning: Information on this form may become public. Credit card information should not be included on this form.
Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description	Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility application filing fee	
1111	500	2111	250	Utility search fee	1,000/500
1311	200	2311	100	Utility examination fee	
1012	200	2012	100	Design application filing fee	
1112	100	2112	50	Design search fee	430/215
1312	130	2312	65	Design examination fee	
1013	200	2013	100	Plant filing fee	
1113	300	2113	150	Plant search fee	660/330
1313	160	2313	80	Plant examination fee	
1004	300	2004	150	Reissue filing fee	
1114	500	2114	250	Reissue search fee	1,400/700
1314	600	2314	300	Reissue examination fee	
1005	200	2005	100	Provisional application filing fee	
SUBTOTAL (1) \$ <u>0.00</u>					

Based on Form PTO/SB/17 (12-04) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 12/13/04

2. EXCESS CLAIM FEES

Total Claims _____ - 20 or HP = _____

HP = highest number of total claims paid for, if greater than 20

Independent Claims _____ - 3 or HP = _____

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims

<u>Large Entity</u>	<u>Small Entity</u>			
<u>Fee</u>	<u>Fee</u>	<u>Fee Description</u>		
<u>Code</u>	<u>(\$)</u>	<u>Code</u>	<u>(\$)</u>	
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
- 100 = _____	/ 50 = _____	(round up to whole number)	X \$250.00	_____

Large Entity		Small Entity		Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$ _____

FEE CALCULATION (continued)4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1813	8,800	1813	8,800
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	120	2251	60
1252	450	2252	225
1253	1,020	2253	510
1254	1,590	2254	795
1255	2,160	2255	1,080
1401	500	2401	250
1402	500	2402	250
1403	1,000	2403	500
1451	1,510	1451	1,510
1452	500	2452	250
1453	1,500	2453	750
1501	1,400	2501	700
1502	800	2502	400
1503	1100	2503	550
1462	400	1462	400
1463	200	1463	200
1464	130	1464	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	790	2809	395
1814	130	2814	65
1810	790	2810	395
1801	790	2801	395
1802	900	1802	900
1504	300	1504	300
1505	300	1505	300
1803	130	1803	130
1808	130	1808	130
1454	1,370	1454	1,370
Other fee (specify)			
Other fee (specify)			
SUBTOTAL (4) \$			

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Heather M. Molleur

Signature: Heather Molleur Date: 2/16/06Reg. Number: 50,432 Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Application No. 10/721,448
Response to Notice of Non-Compliant Amendment filed: February 6, 2006
Reply to Office Action of September 19, 2005

Attorney's Docket No.: 042390.P16679

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Justin K. Brask

Examiner: Kim, Ellen E.

Application No.: 10/721,448

Art Unit: 2874

Filed: November 24, 2003

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For: METHOD OF SMOOTHING
WAVEGUIDE STRUCTURES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

This is in response to the Notice of Non-Compliant Amendment mailed January 4, 2006. Applicant respectfully requests the Examiner to consider the following remarks.

CERTIFICATE TRANSMITTAL VIA FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on

2/6/106

Date of Transmittal

Vanessa Sanchez

Name of Person Transmitting Correspondence

Vanessa Sanchez

Signature

2/6/106

Date